

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUNG KEUN KIM on behalf of himself and all others
similarly situated,

Plaintiff,

vs.

NEW YORK MEAT, INC., PICNIC WORLD CORP., the
ESTATE OF YUN HWA NO and JONG HWAN NO,

Defendants.

21 Civ. 1422 (ENV) (RER)

ECF CASE

DECLARATION OF JONG HWAN NO

I am the President and sole owner of New York, Meat, Inc., and submit this declaration in opposition to plaintiff's motion for conditional class certification.

1. New York, Meat, Inc. (hereafter "NYM"), was incorporated on May 11, 1989, and owns and operates a wholesale meat business located at 355 Food Center Drive, #A19, Bronx, New York. (Hunt's Point Cooperative Market)

2. Picnic World Corp., (hereafter "PWC") is a corporation which operates a restaurant located at 171-04 Northern Boulevard, Flushing, New York. The business name is Sansoogapsan. Upon information and belief, PWC commenced its business on or about February 2016.

3. There is no relationship between NYM and PWC other than PWC being a customer of NYM. PWS is owned by Jooyeon Lee, a relative of mine and due to PWC's proximity to Reception House New York, Inc., which is an unrelated business I also supervise, located at 167-17 Northern Boulevard, Flushing, New York, I occasionally stop by to have meals and offer her business advice.

4. Plaintiff Jung Keun Kim (hereafter "Kim") was been a family friend and loyal

employee for approximately thirty (30) years. Kim was hired as a driver by NYM in 1993, and due to his experience and close proximity to our family, he was promoted to general manager of NYM on or about 1999.

5. NYM usually has 6 full time employees. During Covid, the days of operation went from Monday to Friday to Monday, Wednesday and Friday.

6. The positions of the employees are general manager, salespersons, drivers and bookkeeper. The general manager is paid an annual salary while the remaining employees are paid on an hourly basis. Due to the limited hours of operation, the total amount of work hours per week never exceeded forty (40) hours. Furthermore, the daily shift at NYM ranged from six to six and a half hours.

7. Due to the numerous other business I owned and because of Kim's experience and trustworthiness, I would spend approximately ten to fifteen minutes at NYM's location in the Bronx.

8. Kim ran NYM and contacted me only when there was a problem. All of the other employees knew Kim to be the general manager and reported to him.

9. Kim as general manager also dealt with vendors (companies which NYM purchased bulk meat from) and represented to him that he was in charge. Some of the vendors actually thought Kim was the owner of NYM by the way he acted.

10. As it was explained to me by my employees, some of them were contacted by Kim and his attorney to join in this lawsuit.

11. Being submitted are Declarations of all six (6) current employees who have expressed their unwillingness to join in the lawsuit. It includes a Declaration from Mark An, who replaced Kim as the general manager after Kim left. (annexed as **EXHIBIT A**)

12. A former employee named Ji Won Hong has sued NYM and other companies and the lawsuit is currently pending. (USDC Southern District, Case No.: 21 Civ. 8253)

13. It is unclear what work if any Kim allegedly performed for my mother, Yun Hwa No, but my mother was battling cancer for some time and passed away on April 20, 2020. She has not operated in the operation of the restaurant since well before 2016.

14. The corporation owned (wholly) by my mother was Sansoogapsan II, Inc., and she operated the restaurant until on or about November 2015. The tradename of the restaurant was "Sansoogapsan" and upon information and belief, she allowed PWC to use the name when PWC opened a similar type business in the same location on or about February 2016.

15. It is unconscionable that Kim is making these baseless allegations of work being performed for my mother well before she stopped operating the restaurant and even after she passed away.

16. NYM's employees work exclusively for NYM and there are no individuals from PWC that ever worked for NYM, including but not limited to Sansoogapsan II, Inc. and PWC.

17. NYM has its own distinct tax identification number, employees, bank accounts, tax filings, etc. As stated above, the only relationship between NYM and PWC is that PWC purchases meat products from NYM to serve at its restaurant.

I declare under penalties of perjury that the foregoing is true and correct.

Dated: Queens, New York
March 21, 2022



Jong Hwan No